



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.264 OF 2025

Shyam Narayan Shingane and others

Vs.

State of Maharashtra, through Police Station Officer, Mehkar,
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Garima Jain, Counsel h/f Mr. S. V. Sirpurkar, Counsel for the
applicants.
Ms. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.138/2025 registered with Police Station Mehkar, Tahsil Mehkar, District Buldhana for the offences punishable under Sections 117(2), 118(1), 115(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicants approached to this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicants who submitted that the crime is registered on the basis of report lodged by the wife of the injured on an allegation that on 08.03.2025 at about 06:00 p.m. when her husband came home, he has sustained grievous injuries. On her inquiry, he disclosed that when he was returning home, the present applicants

were under the influence of liquor and started abusing him. On his inquiry, why they were abusing him, the applicant No.2 has given a blow of iron rod on his head. At that time, the applicant Nos.1 and 3 have also abused him and hold his hand. On the basis of said report, the crime is registered.

3. Learned Counsel for the applicant submitted that as far as the applicant No.2 is concerned, who is already arrested, and therefore, the application as to the applicant No.2 became infructuous. As far as the applicant Nos.1 and 3 is concerned, only limited role is attributed to them that they caught hold the hands of the injured.

4. Learned APP strongly opposed the said application and submitted that the applicant Nos.1 and 3 were sharing the common intention to the applicant No.2. The applicant No.2 had assaulted the injured by means of iron rod due to which fracture injury was sustained by the injured. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the recitals of the FIR, it reveals that the role attributed to the other co-accused is a major role. As far as the applicant Nos.1 and 3 are concerned, only role attributed to them that they were holding the hands of the injured. Thus, considering the same, their custodial interrogation is not required and

nothing is to be recovered from them. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicant Nos.1 and 3 by order dated 21.04.2025 is hereby confirmed on the condition that the applicant Nos.1 and 3 shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.
- (iii) The applicant Nos.1 and 3 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- (iv) The applicant Nos. 1 and 3 shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- (v) The application as regards to the applicant No.2 is disposed of as infructuous.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)